

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	NO. 4:13 CR 298 JCH
	)	
ELIZABETH EARNEST,	)	
	)	
Defendant.	)	

**MOTION TO ACCEPT EARLY PAYMENT OF RESTITUTION**

COMES NOW the United States of America, by and through its attorneys, Richard G. Callahan, United States Attorney for the Eastern District of Missouri, and John M. Bodenhause, Assistant United States Attorney for said District, and for its Motion to Accept Early Payment of Restitution, states as follows:

1. The parties in this matter have entered into a written plea agreement (Doc. No. 7) which was accepted by this Court on July 11, 2013. The parties anticipate that the defendant will be ordered to pay approximately \$2 million in mandatory victim restitution at the time of sentencing.

2. Defense Counsel has notified the undersigned that the defendant would like to attempt to pay some of that restitution in advance of sentencing. The defendant has indicated that she is planning to liquidate a retirement account. The exact amount to be available for restitution is not known because there will be taxes due when the account assets are liquidated. The amount available for early payment will be considerably less than the total amount of mandatory restitution to be ordered in this case. Defense Counsel has further requested the

undersigned to file the present motion.

3. The undersigned has been advised in prior matters that it is the preference of the Clerk of Court that this Court issue an order directing the Clerk's Office to accept early payment of restitution and to hold disbursement of the payment to the victim until after sentencing.

4. Sentencing is currently set for January 9, 2014.

WHEREFORE, the government respectfully requests this Honorable Court to issue an order directing the Clerk of Court to accept partial prepayment of restitution in this matter.

Respectfully Submitted,

RICHARD G. CALLAHAN  
United States Attorney

/s/ John M. Bodenhause  
JOHN M. BODENHAUSEN  
Assistant United States Attorney

So Ordered:

\_\_\_\_\_  
JEAN C. HAMILTON  
UNITED STATES DISTRICT JUDGE

\_\_\_\_\_  
DATE

**CERTIFICATE OF SERVICE**

I hereby certify that on 10/2/13, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon the following:

Adam Fein  
Counsel for Defendant

/s/ John M. Bodenhausen  
ASSISTANT UNITED STATES ATTORNEY